

HOUSE BILL REPORT

HB 1446

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to the statute of limitations for actions under the public records act.

Brief Description: Regarding the statute of limitations under the public records act.

Sponsors: Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia; by request of Attorney General.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/2/07, 2/6/07 [DP].

Brief Summary of Bill

- Clarifies when the statute of limitations tolls for actions filed under the Public Records Act.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, McDermott, Miloscia and Ormsby.

Staff: Colleen Kerr (786-7168).

Background:

The Public Records Act (PRA) provides the procedure for an individual to seek judicial review of an agency's denial to inspect or copy a public record. In 2005, the Legislature added language requiring that actions under the PRA must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For actions filed under the Public Records Act (PRA), the statute of limitations tolls upon an agency's failure to provide a response as required by the PRA or upon any other violation of the PRA, as well as when an agency claims an exemption or provides the last production of a record on a partial or installment basis.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will clarify that the statute of limitations for actions filed under the Public Records Act is triggered from when an agency should respond and not when it actually does. It will help to better define the responsibilities of agencies under the Public Records Act.

(Opposed) None.

Persons Testifying: Representative Kessler, prime sponsor; and Toby Nixon, Washington Coalition for Open Government.

Persons Signed In To Testify But Not Testifying: None.